Manitoba

PROGRAM

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This handbook is intended to serve two purposes:

- To provide basic information about Affirmative Action and the Government of Manitoba Program.
- To summarize the program objectives, responsibilities, and required steps to plan and implement Affirmative Action.

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References to the Abella Report throughout this handbook are taken from: *Equality in Employment,* A Royal Commission Report, by Judge Rosalie Silberman Abella, Commissioner, October 1984.

**Greetings:**

The Manitoba Government, in co-operation with the Manitoba Government Employees' Association, initiated Affirmative Action in the Manitoba Civil Service in January of 1983. Four target groups have been identified as under-represented and include women, native people, disabled persons and visible minorities.

The Affirmative Action program is intended to ensure that all Manitobans have an equitable opportunity to be represented in the employment of the Civil Service.

This program is part of the continuing commitment of Government to provide employment for all Manitobans.

Honourable Al Mackling
Minister responsible
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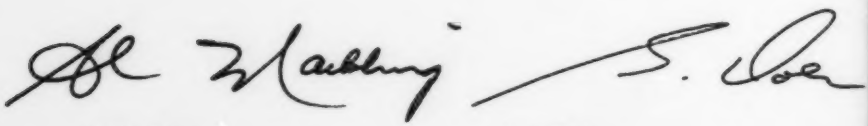
# Affirmative Action

Policy Statement

The Government of Manitoba and the M.G.E.A. are committed to the concept of Affirmative Action, to redress existing discriminatory barriers, and to enhance promotion and equality of treatment within the provincial government for women, physically disabled persons, natives and visible minorities.

The union and government agree jointly to ensure Manitobans under-represented in government employ have access to employment and opportunity for career path development within that employ, consistent with the Civil Service Act and relevant collective agreements. While the present restraint on hiring throughout the Civil Service will make it more difficult to implement Affirmative Action policies, both parties recognize the need to lay the groundwork for more equitable systems. To this end a joint union/management Affirmative Action Committee will be established both at the central and departmental level. This committee will design a plan that will include outreach recruitment, special training and management development programs to redress the effects of past practices and to accelerate equalized representation in the work force. Given the systemic discrimination across Departments in the clerical category, the Central Committee will also develop specific strategies and action to accelerate the promotion of persons classified in this category.



Al Mackling,
Minister Responsible

Gary Doer
President, M.G.E.A.

# *LAYING THE GROUNDWORK*

*"What is needed to achieve equality in employment is a massive policy response to systemic discrimination."* — Abella Report

In June of 1983, the Government of Manitoba and Manitoba Government Employees' Association recognized the need to lay the groundwork for a more equitable employment system for the Manitoba Civil Service. A joint policy statement was signed to establish an Affirmative Action Program for departments and agencies that are governed by the Civil Service Act.

The intention of this policy is to ensure that Manitobans who are underrepresented in the Government have equal access to employment in the Civil Service, and a reasonable career path within that employ.

Together the Government and the MGEA are committed to remedy existing discriminatory barriers in the employment systems of the Civil Service. The Affirmative Action program will be implemented through joint union (employee)/ management committees at a central and departmental level. These committees are responsible for designing and monitoring strategies to include out-reach recruitment, development programs, and acceleration for the promotion of clerical staff.

**JOINT MGEA GOVERNMENT ACTION**

## Target Groups

"Target group" means those groups that are under-represented in all job categories in the work-force. The policy identifies four target groups:

- women,
- native,
- physically disabled persons, and
- visible minorities.

Women make up 50% of the Manitoba population, natives 10%, physically disabled 7%, and visible minorities 6%. The long-range goal is to have the Manitoba Civil Service reflect this representation in all job classifications, taking into account relevant labour force data. Annual targets and timetables will be set based on the availability of qualified target group candidates for different job classifications, so that practical results can be achieved and monitored on a yearly basis.

## Definitions:

**NATIVE**

"Native includes Status Indians, Non-Status Indians, Métis and Inuit."

**PHYSICALLY DISABLED**

"Physically Disabled are those persons with a physical disability, infirmity, malformations or disfigurations caused by bodily injury, birth defects or illness and without limiting the generality of the foregoing, includes epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or a wheelchair or other appliance or device".

**VISIBLE MINORITY**

"Visible Minority refers to all non-white Canadians, with the exception of native Indians and Inuit. Included are Blacks, Chinese, Japanese, South Asians, Southeast Asians and Latin Americans."

# *AFFIRMATIVE ACTION: WHAT'S IT ALL ABOUT?*

*"Employment equity is a strategy designed to obliterate the present and residual effects of discrimination, and to open equitably the competition for employment opportunities to those arbitrarily excluded."*

— Abella Report

Affirmative Action is a program that aims to provide positive remedies for discrimination in the workplace. It involves systematic planning and positive action to remedy the effects of discriminatory practices and enable women, natives, physically disabled persons and visible minorities to achieve equitable employment.

**The Affirmative Action Program has three objectives, to:**

- Ensure that women, natives, physically disabled persons, and visible minorities are fairly represented throughout the Manitoba Government Job Classification System.
- Identify and eliminate discrimination in employment systems of the Civil Service.
- Provide special measures to remedy the effects of past discrimination in Provincial Government employment.

Some **BARRIERS** to employment experienced by target groups are:

- **ATTITUDINAL BARRIERS.** Bias and stereotyping on part of co-workers, managers, etc.
- **SOCIAL BARRIERS.** Lack of child-care facilities or flexible arrangements for those with child-rearing responsibilities.
- **CULTURAL BARRIERS.** Lack of familiarity with urban and industrial life, language problems.
- **GEOGRAPHICAL BARRIERS.** Isolation from employment locations or lack of transportation.
- **PHYSICAL BARRIERS.** Work places, facilities, jobs and tools that cannot be accessed by disabled people or that are tailored to strength or size beyond that of most women.
- **INFORMATION BARRIERS.** Lack of information about employment opportunities or lack of confidence in ability to access these opportunities.
- **CREDENTIAL BARRIERS.** Lack of education, skill training or work experience necessary to perform a particular kind of work.

The need for Affirmative Action programs arises because women and minority groups experience barriers to employment. These barriers are traditional and historical and have prevented the significant representation of women, natives, physically disabled persons and visible minorities in many job categories. These barriers come in many forms, and operate to exclude target groups from obtaining employment. In effect, the barriers, may be forms of discrimination.

# Affirmative Action is about Discrimination and Remedies...

Affirmative Action programs have existed in some form for more than three decades. They have evolved with each different focus on the meaning of the term "discrimination" and with different attempts to remedy it.

## THE PROBLEM:
### Intentional Discrimination

- Focuses on prejudice of an employer. It involves the refusal to hire a candidate for a job because of race, sex or disability even though the person is adequately qualified. For example, many employers openly declare their refusal to hire women to do "men's work" in construction, mechanics, engineering, etc.

## THE REMEDY:
### "Equal Opportunity"

At this stage, Affirmative Action programs attempt to provide information about target groups to change the ATTITUDE of employers and provide employment opportunities to target group members. The focus is on EQUAL OPPORTUNITY. The difficulty with this approach is that the outcome is not easily measured and the onus is on the prospective candidates from the target groups to be informed of opportunities.

## THE PROBLEM:
### Unequal Treatment

- Focuses on the different or comparative treatment according to sex, ethnic origin, etc. This is called differential discrimination. It stereotypes members of target groups without regard to their personal characteristics or attributes. For example, minorities are often assessed on the basis of their "attitude" rather than their skill to do a job. In an interview, women may be asked questions concerning child-care arrangements, that are not asked of men, and are not job-related.

## THE REMEDY:
### "Equal Treatment"

At this stage, Affirmative Action programs focus on **EQUAL TREATMENT,** to remedy the effect of discriminatory **ACTIONS** of employers. Employers increase the representative numbers of target groups on the workforce by doing something for minorities and women in an attempt to treat them more equally. This is a transitional stage in the evolution of Affirmative Action programs. Because it is difficult to measure "equal treatment" and the results of these programs, it frequently leads to negative consequences.

The main difficulty at this stage is that programs are voluntary. Employers are not required by law to change their **PRACTICES,** nor use a systematic planned method to develop remedies, and monitor results.

# Affirmative Action is About changes to employment practices

## THE PROBLEM:

### SYSTEMIC DISCRIMINATION

- Focuses on the adverse effect of employment practices that are not job related, or necessary for the safe and efficient operation of a business. Such practices may be neutral and implemented impartially but have an adverse impact on women and minority groups. Systemic discrimination is hidden and not easily identified. It may be found in job standards, selection criteria, or recruitment practices which are based on social, cultural or physical norms. An example of systemic discrimination in qualifications would be the requirement for a high school diploma for the lowest job in a company without regard for equivalent experience.

## THE REMEDY:

### "AFFIRMATIVE ACTION"

Affirmative Action programs that have evolved to this stage focus on change to employment **PRACTICES** and **SYSTEMS** so that the practices are job related. Alternatives are considered to traditional practices for recruiting, selecting and promoting employees.

This approach to Affirmative Action removes the question of blame and provides an objective method for changing the representative **NUMBERS**, changing the employment **SYSTEM** and providing **SUPPORT** to remove discrimination and to enable target group members to overcome barriers to employment.

The focus of this approach is on **EQUALITY** of **RESULTS** actually achieved in the employment of target group members.

Systemic discrimination is unintentional. It is the result of traditional customary practices of views of a certain "type" of workers. Although these practices are seldom questioned or altered, the employer has no conscious intention of practising discrimination.

Affirmative Action programs are intended to provide remedies and remove the effect of discrimination. This approach recognizes that equality does not always mean treating everyone the same despite their differences. The obstacles to full employment are removed by accommodating the differences of target group members, according to their special needs.

For example, purchasing special equipment, and providing washroom facilities for disabled persons, is an accommodation to their special needs.

"Unequal treatment" is a discriminatory practice, whereas REASONABLE ACCOMMODATION is a special measure for meeting physical, social, or cultural needs and is necessary to ensure equality for target groups in the workplace.

Affirmative Action changes employment practices by:

- Providing information to employers and employees to increase their **AWARENESS** of systemic discrimination.
- Requiring employers to change their **ACTIONS,** to plan and develop non-discriminatory practices using job related criteria; and thus establish a basis for Equal Treatment.
- Requiring employers to accommodate, reasonably, special needs of target group members.
- Holding employers accountable for **RESULTS,** through changes to the employment system and increase in the number of target group members employed.

# Affirmative Action is about Human Rights

Human Rights Legislation and the new Charter of Rights places an obligation on employers to remove discriminatory barriers.

Affirmative Action will not result in quota systems, unqualified workers or reverse discrimination when the program is planned, developed, and monitored according to guidelines and legislated requirements.

This is a new approach. Grounded in section 15 of the Charter, a whole new dimension has been added to Affirmative Action.

The Charter, now in effect as of April 17/85 places a legal responsibility on employers to have equitable employment systems. A provision is also in the Charter, authorizing preferential treatment of target groups. Preferential treatment does not mean reverse discrimination. The difference is that the Human Rights Commission must approve plans to provide for preferential treatment in special programs.

# Charter of Rights

**SECTION 15:**

(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national, or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, sex, or age or mental or physical disability.

# Criteria for an Affirmative Action Program

- An objective method is used to set long-range goals and short-term **NUMERICAL TARGETS.** Numerical goals are based on labour force data and estimates of under-representation of groups protected under human rights law. Action plans are developed to propose activities, resources and time lines to achieve the objectives and monitor the programs.
- A **STANDARD** is used to determine qualifications that are job related and necessary for safety or efficiency purposes. Alternatives are considered so that barriers to the employment and advancement of target group members are identified and removed according to policy guidelines.
- Legislation has been developed to support Affirmative Action. Programs require the **APPROVAL** of the Human Rights Commission; remedial and special measures must provide demonstrable benefit to target groups.

# *THE FOCUS IS ON RESULTS*

*"Equality in employment will not happen unless we make it happen."*
— Abella Report

Planning is essential for an effective Affirmative Action program to show results. This requires a comprehensive and systematic approach to avoid the pitfalls of previous programs, and to achieve both quantitative and qualitative results.

**RESULTS TO BE ACHIEVED:**

— employment of target group members in each job classification

— changes to employment system to neutralize barriers

— provision of supports and special measures to accommodate target group members.

## Objectives of Planning

- To integrate Affirmative Action and equality principles into human resource management.
- To satisfy the guidelines established by the Affirmative Action policy and legislation.
- To obtain the approval of the Central Affirmative Action Committee.
- To **MONITOR** the program to ensure that each department shows **RESULTS** in terms of the goals and timetables.

Initially, all the phases of the program will be ongoing and concurrent, until the data and procedures are established. Plans will then be developed to coincide with the fiscal year.

The costs of the program are determined by the needs of the department, included into the departmental objectives, and submitted in the annual estimates process.

The department action plan includes:

— Department profile
— Objectives for planned results
— Resources to be allocated
— Activities required
— Responsibility designated
— Measurement criteria to monitor the activities.

# Affirmative Action Program Phases:

**ORIENTATION** — Commitment is made by the organization.

**ANALYSIS** — Data is collected and employment systems are reviewed.

**DESIGN** — Targets are set, the system is upgraded and special measures established.

**IMPLEMENTATION** — Plans are carried out and monitored.

Following their orientation, the departmental committees are required to submit an ACTION PLAN on each of the following phases. These plans are submitted to the Central Committee for approval.

## ORIENTATION PHASE

- Commitment is made by the Government and Union, and a Minister is assigned responsibility.
- Each department identifies a co-ordinator, three management and three union members (employees) to form the departmental committee.
- Roles and responsibilities of Co-ordinators, committees and management, are clarified.
- Co-ordinators and Committees are trained to develop plans.
- Department managers and employees are oriented to the program.

## ANALYSIS PHASE

### Workforce Analysis

- Internal data is collected to determine the number of women, natives, physically disabled persons and visible minorities in each job classification in the organization. Target group members may voluntarily SELF-DECLARE their status.
- External data is collected on the labour force participation and availability of target groups for different job categories.
- The information is analyzed to determine the job categories in which target groups are underrepresented.

## Systems Audit

- The employment system is examined for discrimination and identification of barriers to target groups.
- Each element of the employment system is reviewed for adverse impact on target groups, including:

- Job Description
- Job Evaluation
- Recruitment
- Selection criteria and hiring practices
- Performance Appraisal
- Training & Development
- Upward mobility and promotion
- Wages and Benefits
- Conditions of employment
- Termination, lay-off, recall and disciplinary action.

- Key criteria used to examine employment practices:

**LEGALITY** — Does the practice or policy conform to existing Human Rights regulations?

**CONSISTENCY** — Is the policy or practice applied equitably?

**ADVERSE IMPACT** — Is there a disproportionate effect of the practice or policy on target groups?

**VALIDITY** — Is the test or practice objective? Does it validly predict job performance?

**JOB RELATEDNESS** — Is the practice based on bona fide occupational requirements?

**BUSINESS NECESSITY** — Is the practice necessary for the safe, efficient operation of the business?

## DESIGN PHASE

## Target Setting

- The data collected from the workforce analysis is used to set realistic annual targets for the number of positions to be considered for the Affirmative Action program in each department.
- An estimate of the expected turnover is made for each job classification.
- GOALS and TIMETABLES are established to introduce changes to the employment practices and ensure that targets are met.

## Systems Upgrade

- Barriers to the employment system are neutralized or eliminated.
- Alternatives are considered for recruiting, selecting, hiring and promoting employees that will maintain job requirements and standards but that will not have an adverse effect on target groups.
- The employment system is upgraded. New practices and procedures are developed that will screen in qualified candidates from target groups.
- Clear procedural guidelines are established to ensure consistent application of policies.

## Remedial and Special Measures

- Support measures are developed to address specific needs of target groups, and may be temporary or permanent.
- Many special measures are not restricted to target group members, but are available to all or any employees with similar needs.
- Remedial measures include career counselling, career pathing, training and development, flexible work arrangements, etc.
- Each department is responsible for designing specific support measures for their department.
- Support measures are permanent and may include reasonable accommodation for a physical disability. Examples of support measures include special equipment or job re-design.

## Monitoring Systems

A monitoring system is developed to include:

- Flowcharts on the number of target group members for each competition: application, selection, interview, employment or promotion.

and to show

- Results of goals and timetables in terms of the number of target group members actually hired.
- Results of the changes made to employment practices, and the effect of the changes on target groups.
- Results of the special measures used to accelerate representation, and the outcome of each remedy or accommodation.

## IMPLEMENTATION PHASE

- Departments have responsibility for Affirmative Action included in the Role and Mission Statement.
- Managers have responsibility for Affirmative Action included in their job descriptions.
- Managers are trained in Affirmative Action.
- Plans are implemented in departments.
- Outreach recruitment is established.
- Staffing programs and career paths are established.
- Each phase of the program is monitored, and results assessed.

Completed activities for this Phase.

- Role and Mission Statements include Affirmative Action.
- Information sessions held with management and employees - specifically concerning the SELF-DECLARATION form for target groups.
- Changes made to screening and selection criteria.
- Increase in awareness and acceptance of physically disabled persons.
- Physical demands checklist of environment made.

Manager's responsibilities for the implementation of Affirmative Action include:

- Preparing, on a regular basis, reports on the progress of the Affirmative Action plans in each department.
- Ensuring that, when filling a position within the organization, selection standards reflect major job functions.
- Maintaining an awareness throughout the selection process of Affirmative Action goals.
- Identifying career paths for target group employees and ensuring that target group employees are considered for promotion to all jobs.
- Ensuring job descriptions reflect actual tasks performed.
- Ensuring responsibility for Affirmative Action is written into subordinate managers' and supervisors' job descriptions and performance evaluations.
- Ensuring new employees are informed of the Affirmative Action program.
- Initiating special measures where necessary, to redress the effects of past practices and to accelerate the objectives for equal representation in the workforce.

Results for permanent and term position:

- Hiring of target group applicants
  - females in non-traditional classifications, e.g. security, service workers, materials and research, heavy equipment operators, engineering aides, etc.
  - natives for airports, heavy duty mechanics, casual trades, clerical.
  - physically disabled, under STEP Program and in professional classifications (e.g. computer programming, etc.).

Many special measures have already been undertaken by departments, and approved prior to the formal submission of the action plan. Some of these special measures that are now in use include:

- Purchase of special equipment to accommodate the special needs of physically disabled persons.
- Work experience program for physically disabled persons.
- Training programs for native people.
- Outreach programs with community agencies for target groups.
- Recruitment program.
- Collection of data for native community labour profiles.
- Advertising government competitions in native communities.
- Inclusion of target group members on interview and selection boards.
- Selection criteria and interviews structured to accommodate cultural differences.
- Interviews in native communities and on reserves.
- Outreach program to schools for career planning.

# *WHAT WILL AFFIRMATIVE ACTION MEAN FOR YOU?*

*"Sometimes equality means treating people the same despite their differences, and sometimes it means treating them as equals by accommodating their differences".*
- Abella Report

## MANAGERS:

If you are a **manager** or supervisor, Affirmative Action means:

- Better human resource management and a larger pool of qualified workers.
- Assisting the co-ordinator to gather data for the workforce analysis and audit of employment practices.
- Providing input to the departmental committees for the design of special measures, and development of the action plan.
- Committing resources to meet the Affirmative Action objectives in your department.
- Implementing the approved Affirmative Action plan.

Most of all, Affirmative Action means COMMITMENT by managers to Affirmative Action when hiring or promoting employees.

## EMPLOYEES:

If you are an **employee**, Affirmative Action means:

- Sharing the advantages of a fair and equitable employment system. Although the focus of the program is on the target groups, special measures developed for them are not made at the expense of other employees. Affirmative Action does not mean "Reverse" discrimination; Human Rights legislation protects all workers.
- Enjoying the benefits of support measures such as training programs or career pathing. These are not restricted to target groups but are available to other employees experiencing similar employment difficulties.

An objective and fair employment system impacts positively on all employees.

## TARGET GROUPS:

Women — Natives
Physically Disabled
— Visible Minorities

If you are a member of a **target group**, Affirmative Action means:

- Exercising your right to access employment opportunities in the Manitoba Government without discrimination.
- Opportunity for a reasonable career path in the employ of the Civil Service.
- Accelerated opportunities for promotion from clerical categories.
- Access to training programs to develop specific skills and work experience to overcome credential barriers.
- Access to special measures and reasonable accommodation for a physical disability.
- Access to special measures to compete more equitably for non-traditional and management positions.

## MANITOBANS:

If you are a **Manitoban**, the Provincial Government Affirmative Action program means that:

- Job qualifications for the Civil Service will be directly job-related.
- The employment system governed by the Civil Service Act will have equitable practices and procedures to recruit, select, interview and hire new employees.
- Special measures will enable under-represented Manitobans to overcome barriers to Government employment opportunities.
- The best use will be made of human resources in the Civil Service to reflect, representatively, the composite population of the community.

## *REMEMBER:*

## The Government of Manitoba Affirmative Action Program means:

- A joint union management agreement to achieve equity in the Manitoba Government employment system.
- Equitable opportunities for target group members to gain access to government employment and have a reasonable career path within this employ.
- Planned action to accelerate the promotion of clerical staff in the Civil Service, to develop outreach recruitment to target groups, and to provide target groups with training and management development programs.
- Increased representation of women, natives, physically disabled persons and visible minorities in all job classifications of the Manitoba Civil Service.
- Elimination of systemic discrimination from government recruitment, selection and hiring practices.
- Special measures and reasonable accommodation of special needs, to redress past discriminatory barriers to employment with the Manitoba Government.

If you are a member of a target group you may voluntarily complete a **SELF-DECLARATION** form indicating your status as a target group member. This is for Affirmative Action purposes ONLY. It will enable departments to collect accurate **STATISTICS** on each target group, and monitor the effectiveness of the Affirmative Action program.

Affirmative Action impacts on Manitobans and Government employees, with varying interest in the programs. If you would like further information or explanation on how it affects you, contact your Affirmative Action Co-ordinator or Personnel Office in your department.

Also, the Development and Training Branch will be offering training programs on Affirmative Action for employees and managers. Watch the fall calendar or contact the Branch at 945-3167.